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(Agent for Komir, Inc.) and Komir, Inc.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Case No. 19-30088 (DM)
PG&E CORPORATION, Chapter 11
- and - (Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

**NOTICE OF CLAIMANT'S SECOND
MOTION AND CLAIMANT'S SECOND
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF ISSUES IN
REORGANIZED DEBTORS OBJECTION
TO CLAIM #2090 AND CLAIMANT'S
RESPONSE THERETO**

**Date: December 5, 2023
Time: 10:00 a.m.
Place: (Tele/Videoconference Appearances
Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102**

**TO DEBTORS PG&E CORPORATION and PG&E ELECTRIC COMPANY AND THEIR
COUNSEL OF RECORD:**

NOTICE IS HEREBY GIVEN that on December 5, 2023, at 10:00 a.m., in the Courtroom of
the Honorable Dennis Montali, United States Bankruptcy Court for the Northern District of
California, located at 455 Golden Gate Avenue, 16th Floor, San Francisco, California 94102, in

1 Courtroom 17, Amir Shahmirza, as agent and acting on behalf of Komir, Inc., (Komir referred to
2 herein as the “Moving Party”), will, and hereby does, move the Court for an order (1) Granting its
3 Second Motion for Partial Summary Judgment as to the Reorganized Debtors’ Objection to Proof of
4 Claim No. 2090 Filed by Amir Shahmirza (Docket No. 12130, the “Objection”) and Moving Party’s
5 Response and Points and Authorities in Opposition to Objection to Claim #2090 (Docket No. 12572,
6 the “Response”), and (2) entering an Order Granting Partial Summary Judgment in favor of Moving
7 Party on the issue specified herein.

8 This Motion pertains to the (a) the real property owned by Moving Party that is commonly
9 known as 800 Walnut Avenue, San Bruno, California, (the “Komir Property”) and more specifically
10 described in that Deed recorded on December 18, 2000, as Instrument No. 2000-160010, and (b)
11 certain electrical transmission lines placed across the Komir Property by Debtors (the “Trespassing
12 Transmission Lines”).

13 The Motion is made upon the grounds that there exist no issues of material fact and that
14 Moving Parties are entitled to Partial Summary Judgment determining as a matter of law that:

15 **“PG&E Corporation and PG&E Electrical Company (each and both entities referred to**
16 **herein as “Debtors”) do not hold any prescriptive right, or any other right based upon**
17 **possession, to an easement over the real property for occupation of space above the**
18 **Property for the Transmission Lines.”**

19 The Motion is based upon this Notice of Motion and Motion, the accompanying Notice of
20 Hearing, Points and Authorities, Declaration of Amir Shahmirza, Request for Judicial Notice,
21 Claimant’s Reply Brief to be filed hereafter, any evidence and other matters that the Court will
22 accept at the hearing, upon the arguments of counsel, and upon the records in this contested matter
23 and in the Chapter 11 bankruptcy case, and upon the action entitled “*Amir Shahmirza, an individual,*
24 *and Komir, Inc., a business entity, vs. PG&E, a business entity*” pending in the Superior Court of
25 San Mateo County, California, as Case No. 18-CIV-06064.

26 The Motion is made pursuant to Federal Rules of Civil Procedure, Rule 56, Federal Rules of
Bankruptcy Procedure, Rule 7056, Local Bankruptcy Rules 7007-1 and 9013-1, and upon the

1 authorities cited in the Points and Authorities. Opposition, if any, along with any evidence in
2 opposition to the Motion, must be filed and served on or before October 20, 2023, as provided in that
3 Order Approving Stipulation Regarding Schedule for Discovery and Motion for Summary Judgment
4 on Objection to Claim of Amir Shahmirza and Komir, Inc. entered on July 25, 2023, as Docket No.
5 13921.

6 Respectfully submitted.

7 Dated: September 5, 2023

COHEN AND JACOBSON, LLP

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9 By: /s/ Lawrence A. Jacobson
10 Lawrence A. Jacobson
11 Attorneys for Claimant and Respondent
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